

Article - Local Government

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§1-1403.

(a) (1) By ordinance, the governing body of a local government may establish a land bank authority in accordance with this subtitle.

(2) Two or more local governments may elect to enter into an intergovernmental cooperation agreement to create a single land bank to act on behalf of the local governments, which may include one or more water and sewer authorities.

(3) An ordinance adopted under this section:

(i) is administrative in nature;

(ii) is not subject to referendum; and

(iii) in a charter county that has a publicly elected county executive or in a municipality that has a publicly elected chief executive or mayor, is subject to approval by the county executive, chief executive, or mayor.

(b) An ordinance adopted under subsection (a) of this section shall include proposed articles of incorporation of an authority that state:

(1) the name of the authority, which shall be “Land Bank Authority of (name of the incorporating local government)”;

(2) that the authority is formed under this subtitle;

(3) the names, addresses, and terms of office of the initial members of the board;

(4) the address of the principal office of the authority;

(5) the purposes for which the authority is formed; and

(6) the powers of the authority, subject to the limitations of this subtitle.

(c) (1) The chief executive, county executive, or mayor of the incorporating local government, or any other official designated in the ordinance

establishing an authority, shall execute and file the articles of incorporation of the authority for recordation with the State Department of Assessments and Taxation.

(2) When the State Department of Assessments and Taxation accepts the articles of incorporation for recordation, the authority becomes a body politic and corporate and an instrumentality of the incorporating local government.

(3) Acceptance of the articles of incorporation for recordation by the State Department of Assessments and Taxation is conclusive evidence of the formation of the authority.

(d) (1) By ordinance, the governing body of the incorporating local government may adopt an amendment to the articles of incorporation of an authority.

(2) Articles of amendment may contain any provision that lawfully could be contained in articles of incorporation at the time of the amendment.

(3) The articles of amendment shall be filed for recordation with the State Department of Assessments and Taxation.

(4) The articles of amendment are effective as of the time the State Department of Assessments and Taxation accepts the articles for recordation.

(5) Acceptance of the articles of amendment for recordation by the State Department of Assessments and Taxation is conclusive evidence that the articles have been lawfully and properly adopted.

(e) (1) Subject to this section and any limitations imposed by law on the impairment of contracts, the incorporating local government, in its sole discretion, by ordinance may:

(i) set or change the structure, organization, procedures, programs, or activities of an authority; or

(ii) subject to paragraph (2) of this subsection, terminate the authority.

(2) If one or more local governments engaged in an intergovernmental cooperation agreement decide not to terminate the authority, the authority may continue to operate if:

(i) the name of the authority is revised to remove the local government that has decided to terminate its participation in the authority by withdrawal;

(ii) the withdrawing local government designates all property to remain with the authority except that:

1. on demand of a withdrawing local government that is a municipality, all property located wholly within the municipality shall be transferred to the municipality; and

2. on demand of a withdrawing local government that is a county, all property located wholly within the county and outside any municipality participating in the intergovernmental cooperation agreement shall be transferred to the county; and

(iii) All obligations of the authority to the withdrawing local government and of the withdrawing local government to the authority are assumed by the withdrawing local government.

(3) On termination of the authority:

(i) title to all property of the authority shall be transferred to and shall vest in the incorporating local government; and

(ii) all obligations of the authority shall be transferred to and assumed by the incorporating local government.

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